

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD)(SN)
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This document relates to:

Estate of John P. O'Neill, Sr., et al. v. The Republic of Iraq, et al., 04-cv-1076 (GBD)(SN)

**PLAINTIFFS' NOTICE OF MOTION FOR FINAL JUDGMENT AS TO LIABILITY
AND FOR PARTIAL FINAL DAMAGES JUDGMENTS AGAINST THE TALIBAN FOR
MOVING PLAINTIFFS WHO PREVIOUSLY RECEIVED DAMAGES JUDGMENTS
AGAINST IRAN**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, the Declaration of Jerry S. Goldman, Esq. with the exhibit appended and tendered (the "Goldman Declaration"), and all prior proceedings in the MDL, all plaintiffs in Exhibit A ("Moving Plaintiffs"),¹ by and through undersigned counsel, respectfully move this Court for an ORDER:

- (1) extending the Court's Order at ECF No. 3067 granting a judgment as to liability for the members of the O'Neill family, to the Moving Plaintiffs; AND,
- (2) granting the Moving Plaintiffs' motion for entry of default judgment as to liability against the Taliban; AND,
- (3) determining that service of process in the above-captioned matter was properly effected upon the Taliban for the Moving Plaintiffs; AND,
- (4) determining that this Court possesses personal jurisdiction over the Taliban for the Moving Plaintiffs; AND,

¹ Moving Plaintiffs were added to the Fourth Amended First Consolidated Complaint against the Taliban on September 1, 2022. ECF No. 8486. Because Moving Plaintiffs were not named on a complaint in the above-captioned action on August 25, 2022, when we requested that the prior liability determination for members of the O'Neill family be "extended to all other Plaintiffs in the above-captioned matter," *see* ECF No. 8455, out of an abundance of caution, we are now requesting a liability determination for Moving Plaintiffs.

(5) determining that this Court has subject-matter jurisdiction over the Taliban for the Moving Plaintiffs; AND,

(6) finding the Taliban jointly and severally liable with the Islamic Republic of Iran (“Iran”)² and awarding damages judgments to Moving Plaintiffs identified in Exhibit A, against the Taliban in the same amounts previously awarded by this Court to various similarly situated plaintiffs in *Burnett, Havlish, Ashton, Bauer, O’Neill*, and other cases against Iran (subject to trebling damages as indicated below); AND,

(7) awarding solatium damages to those Moving Plaintiffs identified in Exhibit A in the amounts of \$12,500,000 per spouse and \$8,500,000 per child, as set forth in Exhibit A; AND,

(8) awarding treble damages pursuant to the Anti-Terrorism Act, 18 U.S.C. § 2333(a), for solatium damages, in the amounts set forth in Exhibit A; AND,

(9) finding that the treble damages awarded are compensatory in nature and not punitive; AND

(10) awarding the Moving Plaintiffs prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment for damages; AND,

(11) granting the Moving Plaintiffs permission to seek punitive damages and other appropriate damages, at a later date; AND,

(12) granting permission for all other Plaintiffs not appearing in Exhibit A to submit applications for damages awards in later stages, to the extent such awards have not previously been addressed; AND,

² Moving Plaintiffs have damages judgments against Iran.

(13) granting to the Plaintiffs such other and further relief as this honorable court deems just and proper.

Dated: New York, New York
September 28, 2022

Respectfully submitted,

/s/ Jerry S. Goldman

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